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DOCKET NO. 51929

**COMPLAINT OF CHEVRON
PHILLIPS CHEMICAL COMPANY, LP
AGAINST THE ELECTRIC
RELIABILITY COUNCIL OF TEXAS,
INC.**

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PUBLIC UTILITY COMMISSION

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OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

**ORDER NO. 1
ESTABLISHING PROCEDURAL SCHEDULE**

This Order addresses the March 22, 2021 complaint of Chevron Phillips Chemical Company, LP (CPChem) against the Electric Reliability Council of Texas, Inc. (ERCOT).

I. CPChem's Petition in Docket No. 51812

On March 12, 2021, the Commission entered, in Docket No. 51812,¹ an Order Directing ERCOT to Extend Certain Deadlines and Granting an Exception to Certain Sections of the ERCOT Nodal Protocols (the Extension Order). In the Extension Order, the Commission extended, to six months, the 10-business-day deadline specified in ERCOT Nodal Protocols § 9.14.2 for market participants to dispute an invoice, settlement statement, or resettlement statement related to ERCOT for operating days February 14-19, 2021.

On March 18, 2021, CPChem filed, also in Docket No. 51812, a Petition for Emergency Relief of Chevron Phillips Chemical Company LP for Extension of Texas Administrative Code Filings Deadlines (the CPChem 51812 petition). In the CPChem 51812 petition, CPChem asks the Commission to issue an order similar to the Extension Order, which would extend, to six months, the 35-day deadline in 16 Texas Administrative Code (TAC) § 22.251(d) for filing a complaint against ERCOT, regarding conduct by ERCOT during the February 2021 winter weather event.

II. CPChem's Complaint in the Present Docket

In its complaint, CPChem alleges ERCOT acted inappropriately during the February 2021 winter weather event. CPChem filed this matter under 16 TAC § 25.251. CPChem specifies that its complaint is being filed "provisionally," because the extension it seeks in the CPChem 51812 petition has not yet been acted on by the Commission. The company explains that "it is not

¹ *Issues Related to the State of Disaster for the February 2021 Winter Weather Event*, Docket No. 51812 (pending).

presently possible for CPChem to fully assess the factual situation, charges, and legal arguments associated with this unprecedented and chaotic event and its aftermath,”² and that it “has not yet been able to review, analyze, and make inquiries regarding the particulars of its invoices for electric usage during the Winter Weather Event, but based on available information calculates that such invoices could reflect tens of millions of dollars in above-normal charges due to ERCOT pricing actions.”³ Thus, CPChem filed the complaint in this docket in compliance within the 35-day deadline in 16 TAC § 22.251(d), but still hopes to obtain the extension of the 35-day deadline that it seeks in Docket No. 51812.

Because CPChem is still awaiting a ruling on the CPChem 51812 petition, and its complaint in the present docket has been only provisionally filed, the administrative law judge orders as follows:

- as to ERCOT conduct during the time period complained of—February 15-19, 2021—the CPChem complaint is timely under 16 TAC § 25.251(d); however,
- the processing of the complaint should be abated, such that the deadlines specified in 16 TAC § 22.251(e), (f), (g), and (h) are suspended for the time being; and
- by the earlier of April 30, 2021, or within 10 days after the Commission makes a decision on the CPChem 51812 petition, CPChem must file a status report. By the same date, ERCOT and Commission Staff may also file any briefing or request any relief they deem appropriate.

² CPChem Complaint at 2.

³ CPChem Complaint at 4.

Signed at Austin, Texas the 26th day of March 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE